

107TH CONGRESS
1ST SESSION

S. 1834

For the relief of retired Sergeant First Class James D. Benoit and Wan
Sook Benoit.

IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2001

Mr. LEVIN introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL

For the relief of retired Sergeant First Class James D.
Benoit and Wan Sook Benoit.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REQUIREMENT TO PAY CLAIMS.**

4 (a) PAYMENT REQUIRED.—The Secretary of the
5 Treasury is authorized and directed to pay, out of any
6 money in the Treasury not otherwise appropriated, to
7 James D. Benoit and Wan Sook Benoit, jointly, the sum
8 of \$415,000, in full satisfaction of all claims described in
9 subsection (b), such amount having been determined by
10 the United States Court of Federal Claims as being equi-

1 tably due the said James D. Benoit and Wan Sook Benoit
 2 pursuant to a referral of the matter to that court by Sen-
 3 ate Resolution 129, 105th Congress, 1st session, for action
 4 in accordance with sections 1492 and 2509 of title 28,
 5 United States Code.

6 (b) COVERED CLAIMS.—Subsection (a) applies with
 7 respect to all claims of the said James D. Benoit, Wan
 8 Sook Benoit, and the estate of David Benoit against the
 9 United States for compensation and damages for the
 10 wrongful death of David Benoit, the minor child of the
 11 said James D. Benoit and Wan Sook Benoit, pain and
 12 suffering of the said David Benoit, loss of the love and
 13 companionship of the said David Benoit by the said James
 14 D. Benoit and Wan Sook Benoit, and the wrongful reten-
 15 tion of remains of the said David Benoit, all resulting from
 16 a fall sustained by the said David Benoit, on June 28,
 17 1983, from an upper level window while occupying military
 18 family housing supplied by the Army in Seoul, Korea.

19 **SEC. 2. LIMITATION ON USE OF FUNDS FOR ATTORNEYS'**
 20 **FEES.**

21 No part of the amount appropriated by section 1 in
 22 excess of 10 percent thereof shall be paid or delivered to
 23 or received by any agent or attorney on account of services
 24 rendered in connection with this claim, any contract to the
 25 contrary notwithstanding. Violation of the provisions of

- 1 this section is a misdemeanor punishable by a fine not to
- 2 exceed \$1,000.

